



# **OUT OF POCKET EXPENSES POLICY FOR WARD PARTICIPATORY STRUCTURES**

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## **Section 1 – Policy**

### **1. BACKGROUND**

- South Africa has a well-established policy and legal framework for public participation and empowerment. **Section 152 of the Constitution** of the Republic of South Africa confirms a number of citizen rights and more specifically, the rights of communities to be involved in local governance. Municipalities are obliged to encourage the involvement of communities and community organisations in local government. This obligation extends to the entire way a municipality operates and functions. It is not limited to structures such as ward committees.

- The **White Paper on Local Government** together with Chapter 4 of Local Government Municipal Systems Act (2000) and Chapter 4 of the Local Government, Structures Act (1998) provide a powerful legal framework for participatory democracy and ward committees.

**Chapter 4 of the Systems Act** outlines processes and mechanisms the municipality may use to achieve participatory democracy as set out in the Constitution. It further makes it clear that communities are an integral part of the municipal governance and mandates municipalities to develop a culture of community participation in local government activities.

The legislation facilitates the active participation of members of the local community in the affairs of the municipality, including the formulation of Integrated Development Plans (IDP's) and municipal budgets. **The Municipal Systems Act (32 of 2000)** requires municipalities to promote public participation and to build the capacity of residents, councillors and municipal officials to engage in participatory processes.

#### **Other pieces of Legislation to strengthen participatory democracy**

1. *The constitution of the Republic of South Africa, 1996*
2. *The Batho Pele White Paper, 1997*
3. *The White Paper in Local Government, 1998*
4. *Local Government: Municipal Demarcation Act, 1998*
5. *Local Government: Municipal Structures Act, 1998*
6. *Local Government: Municipal Systems Act, 2000*
7. *Promotion of Access to Information Act, 2000*
8. *Municipal Planning and Performance Management Regulations, 2001*
9. *Local Government: Municipal Finance Management Act, 2003*
10. *The Guidelines for the Establishment and Operation of Municipal Ward Committees, 2005*

All of the above pieces of legislation describe the way and manner in which local government should function and provides a framework on how local government should interact with local communities and put structures in place to enhance participatory democracy.

## **2. INTRODUCTION**

In 2001 government introduced the ward participatory system as a credible system through which citizen participation in local governance is expected to take place. The Municipal Structures Act (1998) requires that all municipalities with ward committees make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively. Municipalities have broad discretion in framing the local operating policies for their ward committees.

In short, all the ingredients have been assembled for effective, responsive and participatory local government. Yet, in all assessments conducted, it is still evident in some areas that the ward participatory system is faced with a number of challenges. Subsequently the achievements and assessments conducted also indicate that local government still needs to invest more resources towards promoting participatory governance as one of their core functions and in particular towards the functionality of ward committee participatory structures.

While there can be no disputing the impressive scale of service delivery improvements and a strong commitment to the development of a culture of participation, it would seem that most municipalities still have to extend the impact of the ward committees in the community and within the council. The continued countrywide community protests can be viewed as an expression of dissatisfaction within this realm of governance in the country.

Public surveys conducted in the Provinces and five District Ward Committee Summits held by the Department of Local Government in collaboration with District municipalities, highlighted a number of challenges faced by the ward participatory system, such as improper establishment processes, lack of resources and support from local municipalities to enable them to be effective, efficient and functional. Additional studies conducted by

*The frame serves as a guide to ward committee establishment processes.*

*Support the development of municipal policies on the implementation of the Out-of-Pocket Expenses for ward committees and the: Accountability and the Communication Model*

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government indicate that in cases where ward committees function effectively, the municipality has sufficient financial resources to provide support to their ward committees and to ensure that the 'business' of the ward committees filter through to form an integral part of the daily processes of the municipality.

In 2009 an amendment to the Municipal Structures Act (117/1998) was gazetted. The Act made a recommendation for a National Framework and Criteria for determining Out-of-Pocket Expenses for Ward Committee members. Subsequently, Provinces were requested to follow suit and develop a Provincial Framework for Out-of-Pocket Expenses for Ward Committee Members.

### **3. THE PURPOSE FOR THE DEVELOPMENT OF THE CEDERBERG POLICY**

The purpose of the Cederberg Policy is in three folds:

- To provide guidelines on how best Cederberg municipality can establish functional, effective and efficient ward committee structures.
- To describe a model with which Cederberg municipality can support and fund the operations of their ward committees, in particular regarding the promotion of aspirations, needs, and interests of local communities and their participation in local governance.
- Provides ward committee accountability and communication model.

## **Section 2 – PRINCIPLES**

### **4. PRINCIPLES**

A number of principles that support good governance must be used to direct the implementation of the Policy. These principles include the following:

- a) Accountability: All organs of state in the different spheres of government should maintain accountability, ensuring that their decisions are not biased and that their responsibility to the communities is retained.
- b) Communication: Effective communication between the national, provincial and local spheres of government and communities should ensure access to information and the empowerment of communities to participate.
- c) Community well-being and empowerment: Community well-being and empowerment must be promoted through public dialogues, the sharing of knowledge and experience, and other appropriate means.
- d) Conflict of interest: Actual or potential conflicts of interest between government, and other stakeholders should be resolved through conflict resolution procedures.

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- e) Decision-making: Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognising all forms of knowledge, including traditional and ordinary knowledge.
- f) Effectiveness: Actions and decisions pertaining to community participation should achieve set objectives in a manner that constitutes efficient use of resources, considering economic, social and environmental costs.
- g) Equity: The vital role of women and youth in community participation and development must be recognised and their full participation therein must be promoted.
- h) Sustainable Development: Development must be socially, environmentally and economically sustainable.
- i) Intergovernmental coordination: There must be intergovernmental coordination and harmonisation of policies, legislation and actions relating to community participation.
- j) Participation: The participation of all interested and affected parties in ward development, and governance must be promoted, and the people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.
- k) Batho-Pele: Ward governance and development must place people and their needs at the forefront, and serve their physical, psychological, developmental, cultural, linguistic and social interests equitably.
- l) Transparency: Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.
- m) Compliance with the payment of out-of pocket expenses for ward committee/forums members in relation to the National and Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) as amended October 2009.
- n) The municipality must ensure that technical and administrative assistance is provided to ward committees' forums through dedicated municipal staff.
- o) The municipality must ensure that ward committee/forums have access to meeting venues, office space, and equipment.
- p) The municipality must ensure that logistical arrangements are in place for formal ward committee meetings.
- q) The out-of-pocket expenses will be paid monthly. Only claims signed off by the ward councilor and the Speaker will be settled.
- r) In the event of ward committee members not attending formal ward committee/forum meetings as indicated in Functional Area 1 as well as not

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fulfilling its normal activities as set out in section 3.5, the out-of-pocket expenses won't apply and no stipend will be paid.

- s) In cases where the ward committee member had to attend training or capacity building programs outside the municipal boundaries the council's policy on Accommodation, Subsistence and Travel will apply.

### **Section 3 – FUNCTIONAL AREAS**

#### **5. FUNCTIONAL AREAS**

The functional areas are clustered according to **Normal** and **Ad hoc Activities** as follow:

##### **Normal Activities:**

- Functional Area 1:** Attendance of formal scheduled ward committee/forum meetings by ward committee member.
- Functional Area 2:** Formal and scheduled community and sector report back meetings by ward committee member.
- Functional Area 3:** Registering of operational service delivery and other complaints by ward committee member.
- Functional Area 4:** Active involvement in ward based development, monitoring and evaluation thereof by ward committee member.

##### **Ad hoc Activities**

- Functional Area 5:** Attendance of compulsory ward committee/forums training and capacity building programs by ward committee member.
- Functional Area 6:** Attendance and/or participation by ward committee member in other official forums from other spheres of government that is approved by the local municipality.

### **Section 4 – Out of Pocket Criteria**

#### **6. CRITERIA FOR CALCULATING OUT-OF-POCKET EXPENSES FOR WARD COMMITTEES**

The performance of functional areas will be calculated and compensated monthly to an amount of R500.00 per ward committee member, subject to criteria indicated below:

##### **6.1 Normal Activities**

##### **6.1.1 Attendance of formal scheduled ward committee/forum meetings**



- Formal attendance registers must serve as supporting documents.
- Ward committee/forum members must actively participate on the agendas of ward committee/forum meetings by amongst others reporting back on service delivery issues affecting their particular wards.

#### **6.1.2 Formal and scheduled community and sector report back meetings**

- For accountability purposes, ward committee/forum members must communicate with their sectors and other groups within the boundaries of their wards.

#### **6.1.3 Registering of operational service delivery and other complaints**

- Register operational service delivery issues.
- Ward committee/forum members must keep formal records of service delivery complaints reported and attended to.
- Supporting documents must be submitted as proof.

#### **6.1.4 Active involvement in Ward Based Development, monitoring and evaluation thereof**

- Ward committee members must ensure that inputs on ward developments are submitted and monitoring and evaluation thereof are done.
- Supporting documents must be submitted as proof.

#### **6.2 Ad hoc Activities**

The performance of functional areas under Ad hoc activities should be compensated on the basis and criteria as indicated below:

Attendance of compulsory ward committee/forum training and capacity building programs conducted within the municipal boundaries over a period; members will either be transported or accommodated, which is most cost-effective and refreshments will be provided.



**7. CONCLUSION**

The municipality will be providing administrative support where needed. Ward committee member remuneration will be in line with the 2012/13 DoRA allocation as per CoGTA letter dated 21 May 2012, para.5, to an amount of R500.00 per month. The MSIG funds will be used to support ward committees.

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